UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,312	03/30/2004	Tapas Kumar Nayak	MS306237.1/MSFTP599US	3625

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EXAMINER
LEWIS, CHERYL RENEA

ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		10/813,312	NAYAK ET AL.
		Examiner	Art Unit	
		Cheryl Lewis	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _30 March 2004_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-40_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-40_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _7/6/04_.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-40 are presented for examination.

INFORMATION DISCLOSURE STATEMENT

2.   The information disclosure statements filed on March 30, 2004 and December

12, 2004, complies with the provisions of MPEP § 609. They have been placed in the

application file, and the information referred to therein has been considered as to the

merits.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

>   Whoever invents or discovers any new and useful process, machine,
>   manufacture, or composition of matter, or any new and useful improvement
>   thereof, may obtain a patent therefor, subject to the conditions and requirements
>   of this title.

4.   Claims 1, 9, 14, 22, 25, 26, 31, 32, and 40 are rejected under 35 U.S.C. 101

because the claimed invention is directed to non-statutory subject matter. As follows:

Claims 1, 9, 14, 22, 25, 26, 31, 32, and 40 are rejected under 35 U.S.C. 101

because the claimed invention is directed to non-statutory subject matter. Claim 1 is

directed to a search component that receives and utilizes the plug-in component to

query data and generate results. Claim 9 is directed to a consumer pipeline that

receives data from the producer pipeline component and "persists" data to an inverted

index. Claim 14 is directed to an execution engine component that utilizes the

execution plan to search an index and produce query results in order as specified by the ranking algorithm. Claim 22 is directed to populating an index in accordance with the provided indexing schema. Claim 26 is directed to "persisting" the keywords to an index, the index schema being defined by a third party developer. Claim 32 is directed to generating a query expression in response to the search request which includes a third party developer specified ranking algorithm for determining the relevance of result documents. The claimed inventions, as a whole must accomplish a **practical application**. That is, it must produce a **"useful, concrete, and tangible result."** *State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02. MPEP 2106.* In each of these cases the **result** is utilizing the plug-in component to query data and generate results (claim 1), a consumer pipeline component that receives data from the producer pipeline component and persists data to an inverted index (claim 9), execution engine utilizes the execution plan to search an index and produce query results in order as specified by the ranking algorithm (claim 14), populating an index in accordance with the provided indexing schema (claim 22), persisting the keywords to an index schema being defined by a third party developer (26), and a ranking algorithm for determining the relevance of result documents. The claimed limitations are an abstraction as they are not **useful, concrete, and tangible**, they are not put in any tangible form and not useful because they are not presented in such a way to provide some result that is of utility that may exist in the specification however no specific use is provided for in the claimed invention. Thus the clams are non-statutory and stand rejected under 101 as not producing a **"useful, concrete, and tangible result."**

Further as to claims 25, 31, and 40, the claims are further rejected as under 101 because they recite a computer readable medium and computer executable instructions and the medium in the specification may be interpreted as corresponding to any of the possible media including non tangible media such as transmission media including carrier waves and are further reasons why these claims do not have results which are useful, concrete, and tangible. Claims 25, 31, and 40 require a physical component. The examiner suggests that the applicants kindly consider amending claims 25, 31, and 40 to recite "a computer readable <u>storage device</u> ~~medium~~ having stored thereon computer executable instructions executed by a <u>storage device</u> for carrying out the method of claim 22". Likewise, the preamble of claims 1, 9, 14, 22, 26, and 32 comprise a system and this system needs to be embodied within a computing device to make it executable. Again, the examiner suggests amending the preamble to recite "a full-text search <u>computer implemented</u> system".

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Basso

et al. (Pat. No. 7,054,855 B2 filed July 3, 2001, hereinafter Basso).

7.   Regarding Claim 9, Basso teaches a method and system for performing a pattern

match search for text strings.

The method and associated system for performing a pattern match search for

text strings as taught or suggested by Basso includes:

a gatherer component to retrieve a document from a data store (col. 4, lines 1-

67, col. 5, lines 27-67, col. 6, lines 1-67); a producer pipeline component that parses the

structure and text of the retrieved document in accordance with a plurality of third party

developer specified components (col. 4, lines 1-67, col. 5, lines 27-67, col. 6, lines 1-

67); and a consumer pipeline component that receives data from the producer pipeline

component and persists data to an inverted index (col. 4, lines 1-67, col. 5, lines 27-67,

col. 6, lines 1-67).

8.   Regarding Claims 10-13, the limitations of these claims have been noted in the

rejections above. They are therefore rejected as set forth above.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 1-8 and 14-40 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Karaev et al. (Pat. No. 5,802,518 filed June 4, 1996, hereinafter Karaev) and

Meyerzon et al. (Pat. No. 6,199,081 B1 filed June 30, 1998, hereinafter Meyerzon).

11.   Regarding Claim 1, Karaev teaches an information delivery system and method.

The method and associated system for an information delivery system and

method as taught or suggested by Karaev includes:

a relevant score algorithm (col. 37, lines 31-39) and a search component (col. 6,

lines 57-67) adapted to receive and utilize component query data and generate results

(col. 7, lines 1-67, col. 8, lines 1-67, col. 9, lines 1-67, col. 10, lines 1-67).

Karaev does not expressly teach a plug-in component.

Meyerzon teaches a plug-in component (col. 10, lines 28-57).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the method of Karaev with the method of Meyerzon

because Meyerzon's method enables plugging in modular active and consumer plug-ins

into the gathering project configures the information processing capability of the

gathering process that retrieves the documents.

12.   Regarding Claim 2, Karaev teaches a full-text index schema (col. 7, lines 1-67,

col. 8, lines 1-67, col. 9, lines 1-67, col. 10, lines 1-67).

13.   Regarding Claim 3, Karaev teaches the schema is to be populated (col. 7, lines

1-67, col. 8, lines 1-67, col. 9, lines 1-67, col. 10, lines 1-67).

14.   Regarding Claims 4-8, the limitations of these claims have been noted in the

rejections above. They are therefore rejected as set forth above.

15.   Regarding Claim 14, Karaev teaches a parser component that tokenizes

received queries (col. 7, lines 1-67, col. 8, lines 1-67, col. 9, lines 1-67, col. 10, lines 1-

67); an execution plan generation system that generates an execution plan based on

tokens received from the parser component and a ranking algorithm provided by a third

party developer via ranking (col. 7, lines 1-67, col. 8, lines 1-67, col. 9, lines 1-67, col.

10, lines 1-67); and an execution engine component that utilizes the execution plan to

search an index and produce query results in order as specified by the ranking

algorithm (col. 7, lines 1-67, col. 8, lines 1-67, col. 9, lines 1-67, *Meyerzon teaches a

plug-in component (col. 10, lines 28-57).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the method of Karaev with the method of Meyerzon

because Meyerzon's method enables plugging in modular active and consumer plug-ins

into the gathering project configures the information processing capability of the

gathering process that retrieves the documents.

col. 10, lines 1-67).

16.   Regarding Claims 15-21, the limitations of these claims have been noted in the

rejections above. They are therefore rejected as set forth above.   .

17.   Regarding Claim 22, the limitations of this claim have been noted in the

rejections of claims 1 and 14 presented above. In addition, Karaev teaches retrieving a

full-text schema and ranking algorithm from a component provided by a third party

developer (col. 7, lines 1-67, col. 8, lines 1-67, col. 9, lines 1-67, col. 10, lines 1-67) and

populating an index with indexing schema (col. 7, lines 1-67, col. 8, lines 1-67, col. 9,

lines 1-67, col. 10, lines 1-67).

18.   Regarding Claims 23-25, the limitations of these claims have been noted in the

rejections above. They are therefore rejected as set forth above.

19.   Regarding Claim 26, the limitations of this claim have been noted in the

rejections of claims 1 and 14 presented above. In addition, Karaev teaches keywords to

an index (col. 7, lines 1-67, col. 8, lines 1-67, col. 9, lines 1-67, col. 10, lines 1-67).

20.   Regarding Claims 27-31, the limitations of these claims have been noted in the

rejections above. They are therefore rejected as set forth above.

21.   Regarding Claim 32, the limitations of this claim has been noted in the rejection

of claims 1, 14, 22, and 26 presented above. It is therefore rejected as set forth above.

22.   Regarding Claims 33-40, the limitations of these claims have been noted in the

rejections above. They are therefore rejected as set forth above.

NAME OF CONTACT

23.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-

4113. The examiner can normally be reached on 6:30-3:00.

       If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone

number for the organization where this application or proceeding is assigned is (571)

273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for

"INFORMAL" or "DRAFT" communication. Examiners may request that a formal

paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheryl Lewis
Patent Examiner
September 18, 2006